

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Information Security Oversight Office's Proposed
Implementing Directive to Executive Order 12356

82-2120/6

FROM

Director of Information Services
1206 Ames Building

EXTENSION

NO.

OIS 82-308/6

DATE

28 MAY 1982

STAT

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

EO/DDA

28 MAY
198228 MAY
1982

2.

3.

ADDA

JUN
1982JUN
1982

4.

5.

DDA

1 JUN 1982

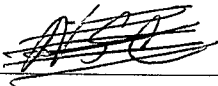
6.

7.

Executive Secretary

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15.

The attached letter for your signature provides to NSC the Agency position on the proposed Implementing Directive for Executive Order 12356. The comments were coordinated with the Office of Security and the Office of General Counsel.

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Attachment:
As stated

For Signature.

L-105

OIS Registry

82-308/6

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

DD/A Registry

82-0925/8

1 JUN 1982

Executive Registry

82-2120/16

Mr. Michael O. Wheeler
Staff Secretary, National
Security Council
372 Old Executive Office Building
Washington, D.C. 20506

Dear Mr. Wheeler:

In response to your 20 May 1982 letter, enclosed herewith are the Agency's comments on the Information Security Oversight Office's proposed Implementing Directive to Executive Order 12356.

If you have any questions regarding these comments, please feel free to contact [redacted] Director of Information Services. [redacted] was responsible for coordinating the Agency response and can be reached on [redacted]

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STAT
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Sincerely,

Signed

[redacted]
Executive Secretary

STAT

Enclosure

OIS/RMD/RSB [redacted] (27 May 1982)

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Distribution:

- Original - Addressee w/enclosure
- 1 - ER Subject w/enclosure
- 1 - ER Chrono w/enclosure
- 1 - DDA Subject w/enclosure
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- 1 - D/OIS Subject w/enclosure
- 1 - D/OIS Chrono w/enclosure
- 1 - RSB Subject w/enclosure (E.O. 12356)
- 1 - RSB Chrono w/enclosure

L-105

CIA COMMENTS ON PROPOSED IMPLEMENTING DIRECTIVE
FOR EXECUTIVE ORDER 12356

1. Page 15, Section 2001.5(e)(5)(v)(B)

Change "intelligence sources and methods" to "intelligence sources or methods."

This conforms to the language used throughout E.O. 12356 (hereinafter the "Order") and the proposed implementing directive.

2. Page 22, Section 2001.31(b)

Delete entire section or change to read: "Non-permanent classified records must be disposed of in accordance with schedules approved by the Administrator of General Services under the Records Disposal Act. Such schedules should provide for the continued retention of records subject to an ongoing Mandatory Review request."

An implementing directive for an Executive order should not include instructions that are inconsistent with the requirements of the law. The Code of Federal Regulations, Title 41, Section 101-11.406.8, pursuant to the Records Disposal Act (44 U.S.C. 3303a) and the Federal Records Act (44 U.S.C. 2909), specifies that agency records schedules and general records schedules are mandatory and provides the means for extending retention beyond the scheduled disposal time. Records that are subject to the Freedom of Information Act and Privacy Act requests are covered by General Records Schedule 14, Items 16b and 25b; there is no such provision for Mandatory Review requests. Moreover, Section 2001.34 (page 29) of the proposed directive states that Freedom of Information Act and Privacy Act declassification requests shall be processed in accordance with the provisions of those Acts. Finally, this provision of the directive is unnecessary and has nothing to do with Systematic Review.

3. Page 26, Section 2001.32(a)(2)(i)

Change first sentence to read: "A valid Mandatory Review request should identify the requested documents by date or title, if possible, and must at least be of sufficient specificity to allow agency personnel to locate the documents or materials containing the information sought with a reasonable amount of effort."

This rewrite is intended to more efficiently target limited agency resources on information which is of interest to researchers. Researchers are frequently able to identify a needed document by date and title, but the proposed directive specifically removes the need for such detail. If researchers are in effect to receive preferential treatment and expedited consideration of their requests, it is not unreasonable to require a description of the document by date and title to the extent such a description is possible. All references to "records" should be deleted since this is an FOIA term whose use was specifically avoided in the Order to emphasize that Mandatory Review requests must be made in terms of documents or discrete subject matter materials.

4. Page 27, Section 2001.32(a)(2)(i)

Add after "coherent segment": "and are in consonance with the subject of the document."

Agencies should only be required to release "coherent segments" when the releasing portions are relevant to the subject of the document. This avoids releasing information that leads to a wrong conclusion because of the manner in which the document was sanitized.